

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

THE GENERAL HOSPITAL
CORPORATION and
DANA-FARBER CANCER
INSTITUTE, INC.,

Plaintiffs,

v.

ESOTERIX GENETIC
LABORATORIES, LLC and
LABORATORY CORPORATION
OF AMERICA HOLDINGS,

Defendants.

C.A. No. 1:18-cv-11360-IT

**AFFIDAVIT OF CAROLYN A. MARCOTTE IN SUPPORT OF PLAINTIFFS' MOTION
FOR PARTIAL SUMMARY JUDGMENT**

I, Carolyn A. Marcotte, hereby swear and affirm as follows:

1. I am counsel with the law firm of Barclay Damon LLP, counsel to the plaintiffs The General Hospital Corporation ("MGH") and Dana-Farber Cancer Institute, Inc. ("DFCI") in the above-captioned matter. I make this affidavit on personal knowledge, in support of the Plaintiffs' Motion for Partial Summary Judgment.
2. Attached hereto as Exhibit A is a true and accurate copy of the Exclusive License Agreement dated May 2, 2005, and amendments thereto.
3. Attached hereto as Exhibit B is a true and accurate copy of the June 27, 2017 Settlement Agreement with exhibits thereto.
4. Attached hereto as Exhibit C is a true and accurate copy of a LabCorp report for Reporting Period January 1 – June 30, 2017 received by the plaintiffs in September 2017.

5. Attached hereto as Exhibit D is a true and accurate copy of a LabCorp report for 2017 received by the plaintiffs in 2018.

6. Attached hereto as Exhibit E is a true and accurate copy of a letter dated November 3, 2017 from the plaintiffs to the defendants.

Signed under the penalties of perjury this 15th day of August, 2018.

/s/ Carolyn A. Marcotte
Carolyn A. Marcotte

CERTIFICATE OF SERVICE

I, Carolyn A. Marcotte, counsel for the plaintiffs in the above-captioned matter, certify that on August 15, 2018, the foregoing Affidavit filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to the non-registered participants.

/s/ Carolyn A. Marcotte
Carolyn A. Marcotte